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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-131-10 et seq.
Regulation title	<i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i>
Action title	Amendments to the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i>
Document preparation date	February 2007

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

Section 22.1-253.13:3 of the *Code of Virginia* requires the Board of Education to establish standards for accreditation. The regulations were last amended in 2006. It is anticipated that the Board of Education would review the requirements for graduation (8 VAC 20-131-50), school and community communications (8 VAC 20-131-270), expectations for school accountability (8 VAC 20-131-280), and recognitions and rewards for school accountability performance (8 VAC 20-131-325) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation). This review would include the role of graduation rates in the accountability measures for school accreditation as well as changes necessitated by actions taken by the 2007 General Assembly.

The Board has received requests to consider including graduation rates as part of the accountability process. In July 2006, the president of the Board, Dr. Mark Emblidge, formed a special committee of the Board of Education to research and recommend policies to reduce the number of students who drop out of high school and to improve graduation rates, especially among minority students. In November 2006, the Board adopted a more accurate method of calculating graduation rates, based on a proposal by the National Governors Association.

The 2007 General Assembly enacted legislation that would require the Board of Education to establish a Technical Diploma (HB 2039 and SB 1147). These bills specified that the Board would “Establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit...”

In addition, the 2007 General Assembly passed legislation (SB 751) that would require the Board to modify the provisions of the Board of Education’s Seal for Excellence in Civics Education to emphasize community service. Finally, the Senate Education and Health Committee, while not taking action on HB 3201, which relates to removing students from classes, requested the Chairman write a letter to the Board of Education to ask that the Board consider this issue in its review of applicable regulations.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-253.13:3 of the *Code of Virginia* states: “The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.”

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

A comprehensive review and revision of the Standards of Accreditation was conducted between January 2005 and September 2006. The regulations were examined in their entirety, including the requirements for student achievement; the school instructional program; school and instructional leadership; school facilities and safety; school and community communications, and school accreditation.

This regulatory action will consist of a review of the requirements for graduation (8 VAC 20-131-50), school and community communications (8 VAC 20-131-270), expectations for school accountability (8 VAC 20-131-280), and recognitions and rewards for school accountability performance (8 VAC 20-131-325).

This review will include the role of graduation rates in the accountability measures for school accreditation as well as changes necessitated by actions taken by the 2007 General Assembly, including the following legislation:

- HB 2039 and SB 1147 would require the Board to “establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit....”
- SB 751 would require the Board to modify the provisions of the Board of Education’s Seal for Excellence in Civics Education to emphasize community service.
- The Senate Education and Health Committee, while not taking action on HB 3201, related to removing students from classes, requested the Chairman write a letter to the Board of Education asking that the Board consider this issue in its review of applicable regulations, and report back to the patron and the committee.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

No alternatives to amending these regulations have been considered as the Board of Education is desirous of conducting this review as essential to the continued improvement of the system of public schools in Virginia.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The proposed amendments to the regulations are not expected to have an impact on the institution of the family and family stability.